

REMARKS

A. Status of the Application

- Claims 11 to 18, 20 and 38 to 64 are pending in the application, of which claims 11, 41 and 53 are independent claims.
- Claims 11 and 41-64 are amended.

Accordingly, entry of the amendments is respectfully requested. Applicants have amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time. The claim amendments have not been submitted for any reasons relating to patentability, such as to overcome any of the Office Action's rejections.

Applicants intend to pursue the subject matter of any previously or presently cancelled claims, in one or more continuing applications.

B. Interview Summary

Applicants' representative, Ruth Ma, wishes to thank the Examiner for his time and courtesy for conducting a telephone interview on April 2, 2009 with regards to the Office Action that was mailed on March 5, 2009 for Application No. 10/816,238.

In the telephone interview of April 2, 2009, Applicants' representative and the Examiner agreed that an amendment to clarify the antecedent basis for independent claim 11 (which is incorporated by reference in claims 41 and 53) would overcome the 35 U.S.C. § 112, first paragraph and § 112, second paragraph rejections in the Office Action. The Examiner indicated that a decision on allowance will be made after another prior art search.

In the telephone interview of March 5, 2009, Applicants' representative and the Examiner discussed claims 41, 42, 44, 50, 51, 53, 54, 56, 62 and 63, which are currently

rejected under 35 U.S.C. § 112, second paragraph. The parties agreed that for the sake of convenience, the claims shall remain in their present form. Once the application is placed in condition for allowance, the Examiner will issue an Examiner's Amendment to incorporate the referenced method steps into each of the claims.

C. Claim Rejections Under 35 U.S.C. §112, paragraph 1

On page 3, the Examiner rejected claims 11, 41 and 53 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. On page 7, the Examiner rejected claims 11, 41 and 53 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

As discussed under subsection B, Applicants' representative and the Examiner have agreed that claim 11, as currently amended, overcomes the 35 U.S.C. §112, first paragraph and second paragraph rejections. Claims 41 and 53 incorporate claim 11 by reference, and therefore overcome the §112, first paragraph and second paragraph rejections for at least the same reason.

On page 8, the Examiner rejected claims 41, 42, 44, 50, 51, 53, 54, 56, 62 and 63 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner asserts that "Applicants are attempting to incorporate subject matter of a method claim (e.g., claim 11) which itself incorporates another statutory class."

As discussed under subsection B, Applicants' representative and the Examiner have agreed that for the sake of convenience, the claims shall remain in their present form. Once the application is placed in condition for allowance, the Examiner will issue an Examiner's Amendment to incorporate the referenced method steps into each of claims 42, 44, 50, 51, 53, 54, 56, 62 and 63.

Therefore, claims 11, 41 and 53 (and the claims that depend therefrom) overcome the 35 U.S.C. § 112, first paragraph and second paragraph rejections, and are allowable for at least the foregoing reasons.

D. General Comments on Dependent Claims

Each dependent claim is patentable for at least the same reasons as the independent claim on which it depends. Thus, Applicants believe that it is unnecessary at this time to argue the allowability of each dependent claim individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

E. Authorization for Email Communication

Recognizing that Internet communications are not secure, Applicants hereby authorize the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicants understand that a copy of these communications will be made of record in the application file.

F. Conclusion

In general, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as a concession of any issue with

regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at (857) 413-2056.

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